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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,627	11/12/2003	Jean Georges	10012	7820

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EXAMINER

FOX, CHARLES A

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,627

Applicant(s)

GEORGES, JEAN

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031112, 20031205
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on March 14, 2003. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to because of the following reasons:

references numerals are not legible or consistent throughout the drawings;
the figure numbers are not legible.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a sliding block connection between the object and the rod(11) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

page 1 line 19 "unfolded and lowered to the ground", the platform is not folded but rather it is extended;

page 1 line 22 "for the transportation";

page 3 line 2 there is a misspelled word. This appears to be an exact translation from a French application and must be corrected to reflect proper English grammatical and syntactical usage. The above defects are only examples, the applicant must review the entire specification and make all appropriate changes, no new matter may be entered.

The disclosure is objected to because of the following informalities:

Proper headings are not present for the various sections of the specification. For example there is no heading for Background of the invention, Summary of the invention, Brief description of the drawings and Description of the preferred embodiments.

Appropriate correction is required.

Claim Objections

Claims 1-6 are objected to because of the following informalities: the format of the claims as written does not conform to U.S. Patent standards. See the cited reference to Farrell for the proper format for claims. Appropriate correction is required.

Claims 4-6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4, is not in proper form. See MPEP § 608.01(n). Accordingly, the claims not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrell. Regarding claim 1 Farrell US 5,246,329 discloses a vehicle for hauling loads comprising:

a double acting cylinder (110) with returning means (120) mounted at a rod end of said cylinder;

said returning means symmetrically passes at least two cables (122,126) for extension and retraction of a slidable object;

such that outward extension of the cylinder will extend said slidable object and retraction of the cylinder will retract said slidable object.

Regarding claim 2 Farrell also disclose the returning means are a series of pulleys (not numbered) mounted on a transverse shaft, said shaft connected to the rod end of said cylinder for movement thereof.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pewthers. Pewthers US 3,485,400 discloses a vehicle with a sliding and tilting bed comprising:

- a subframe (28) tiltable via cylinder (150);
- a platform (30) slidable attached to said subframe;
- a cylinder (110) for sliding said platform along said subframe;
- returning means (116) mounted on a transverse shaft at the end of the cylinder rod (112);
- said returning means symmetrically guiding extension and retraction cables (104,106) such that movement of the cylinder will cause the platform to slide over the subframe.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrell as applied to claim 2 above, and further in view of Herrell. Farrell teaches the limitations of

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claim 2 as above, he does not teach the end of the cylinder rod as being slidable attached to the object. Herrell US 3,934,681 teaches a cylinder/chain lifting device with a plurality of pulleys ((126) mounted on a shaft (198) said shaft having slide blocks (111) at either end for guiding the pulleys and the end of a cylinder rod during extension and retraction of the rod. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Farrell with rod guides as taught by Herrell in order to maintain the pulleys and rod end in proper alignment with the moving object, thereby decreasing the chance of binding the cylinders due to loading of the movable object.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Prince 1963, Flynn et al. 1964, Grove 1974, Durham 1976, Rathe 1986, Boughton 1991, and Galbreath et al. 1992.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMMA/DA 1-11-06
Charles A. Fox
Examiner
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